

Appln. No. 10,025,194
Reply to Office Action of September 11, 2006
Response dated January 11, 2007

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REMARKS

This is in response to the Office Action mailed September 11, 2006. Thus Applicants request a one-month extension of time for response. The required fee is enclosed.

Claims 1-6, 8-19, 21, 22, 29-38 and 40-46 are being examined on the merits and have been rejected.

Claims 1-6, 8-19, 21, 22, 29-38 and 40-46 have been rejected under 35USC§112 ¶1 as lacking enablement. The Examiner alleges that while the specification is enabling for a specific TSE disease, i.e., BSE and CJD, it is not enabling for any/all TSE diseases as claimed.

In response, applicants have amended the claims to limit them to detection/diagnosis prognosis of BSE or CJD, which are clearly enabled by the specification.

The specification clearly sets out that BSE occurs in cattle while CJD occurs in humans. One of ordinary skill in the art would appreciate that in the case of a human subject, the pattern of differential protein expression from CJD would be used, whereas in cattle one would use the differential protein expression from BSE. Indeed the nature of the examples makes it even more clear as to which pattern one would use based on the species of CSF in the original discovery of the diagnostic differential protein expression patterns.

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Example 1 is entitled "Polypeptides in body fluids (cerebrospinal fluid, plasma and others) of Creutzfeldt-Jakob affected patents", i.e. humans.

Example 2 is entitled "Polypeptides in plasma samples from BSE-infected cattle or non-infected cattle", i.e. cattle.

Each subsequent example clearly shows whether it relates to CJD or BSE and guides one of skill in the art as to which changes in protein expression levels should be used in the methods of the invention, depending on whether the subject being tested is human or is a bovine subject.

Thus, in view of the amendments to the claims and the remarks herein, applicants maintain that the present claims are enabled and request that the rejection for lack of enablement be withdrawn.

Claims 29-31 have been rejected as indefinite pursuant to 35 USC §112 ¶2. The Examiner finds the definition of the "probe" to be unclear.

Applicants have amended the claims to provide more definition to the probe, in that it is a probe or protein chip having certain physiochemical properties such that polypeptides from a subject sample may be adsorbed onto the probe for further characterization, e.g. via mass spectrometry. Support for this amendment may be found in the specification and claims, inter alia, Claims 4-6.

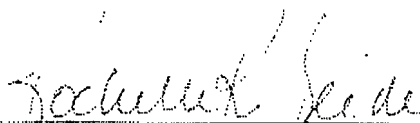
In view of these amendments, applicants maintain that Claims 29-31, as amended, are not indefinite and request that the rejection be withdrawn.

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In view of the amendments to the claims and the remarks herein, Applicants request reconsideration and allowance of the pending claims. A Notice of Allowance is respectfully requested.

Applicants believe that no additional fees (other than the fee for a one-month extension of time for reply) are required in connection with this response. However, if additional fees are required, the Commissioner is hereby authorized to charge any additional payment, or credit any overpayment, to Deposit Account No. 01-2300, referencing Docket Number 108140.00030.

Respectfully submitted,



Rochelle K. Seide, Ph.D.
Registration No. 32,300
ARENT FOX LLP
1675 Broadway
New York, NY 10019
Tel. No. (212) 484-3945
Fax No. (212) 484-3990
Customer No. 38485